

# **EXHIBIT 3**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X		:
MICHAEL KANE, et al.,		:
	Plaintiffs,	:
- against -		:
DE BLASIO et al.,		:
	Defendants.	:
-----X		:
MATTHEW KEIL, et al.		:
	Plaintiffs,	:
- against -		:
THE CITY OF NEW YORK et al.,		:
	Defendants.	:
-----X		:

Case No. 21-cv-7863 (VEC) (Lead)

Case No. 21-cv-8773 (VEC)

**DECLARATION OF PATRICIA CATOIRE**

Patricia Catoire declares as follows, pursuant to 28 U.S.C. § 1746:

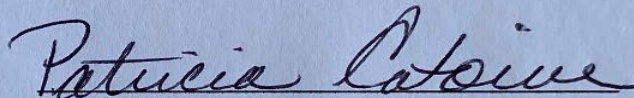
1. My name is Patricia Catoire and I am a former employee of the New York City Department of Education (“DOE”) and a member of the proposed class in the above-referenced case.
2. I respectfully submit this Declaration in opposition to Defendants’ Surreply and in further support of Plaintiffs’ Motion for a Preliminary Injunction.
3. I know the facts stated herein to be true based upon my personal knowledge, except for statements which are made on information and belief and, as to those, I verily believe them.

4. I possess sincerely held religious beliefs that prevent me from getting vaccinated. In September 2021, I applied for a religious exemption to the DOE's vaccine mandate, which was denied.
5. As a result, the DOE placed me on unpaid leave in October 2021 and terminated me in February 2022.
6. In addition to working as a teacher for the DOE for the past five years, I have also worked for the New York State Department of Health Bureau of Early Intervention in its Early Intervention Program ("EIP") for 20 years.
7. The EIP is a public program funded by New York State and county governments for children three and under who are either suspected of having or at risk for developmental delays or disabilities.
8. After I was placed on unpaid leave in October 2021, a woman from the Human Resources ("HR") Department at Bright Start Learning Center of NYC ("Bright Start")—the NYC EIP agency that I work with—informed me that I was flagged as "ineligible" to work in the Personnel Eligibility Tracking System ("PETS"). The individual who informed me of this does not work for the DOE's Office of Personnel Investigations. In fact, she does not work for the DOE at all.
9. Upon information and belief, this "ineligible" flag referred to the "problem code" that the DOE uses to flag individuals for misconduct and which the DOE has also added to the personnel files of individuals who have not complied with its vaccine mandate.

10. I was shocked that I had been flagged as ineligible to work, because such problem codes often indicate poor performance reviews, misconduct, or even criminal activity. None of these apply to me.
11. Additionally, I was told by Bright Start HR in October 2021 that I did not need to be vaccinated for teletherapy or therapy in the home, but that I only needed to be vaccinated if I worked in a daycare setting. In December 2021, Bright Start HR informed me that vaccination was required for in-home therapy. Teletherapy, however, still did not require vaccination.
12. I did not understand how someone from outside the DOE could even possess this incorrect information about me, I was extremely embarrassed by its negative implications, and I was immensely disappointed that I had to inform the families that I had been assigned to that I could not service their children.
13. I emailed OPI requesting help removing this problem code from my file in PETS. I was cleared very briefly in November 2021. However, not more than a week after being cleared, an individual from Bright Start contacted me to inform me I was again flagged in the PETS system as ineligible.
14. I again was forced to contact the families I was assigned to and tell them I could not help them.
15. I sent numerous emails to OPI from November 2021 to March 2022 requesting help removing this problem code from my file in PETS.

16. OPI did not help me until I submitted proof that I was not required to be vaccinated in the EIP if I was engaged in teletherapy, finally removing the problem code in April 2022.
17. As a result of this unnecessary delay, I lost six months of wages.
18. Ultimately, because my sincerely held religious beliefs prevented me from complying with the DOE's vaccine mandate, I was unable to work outside the DOE—in a position I have held for over 20 years—for six months. Furthermore, the DOE did not even inform me about my supposed ineligible status; I had to find out about it from a third party who is wholly unrelated to my former duties and position with the DOE.

Dated: New York, New York  
June 3, 2022

  
By: Patricia Catoire